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**Investigating the Controversy of Justice Against Sponsors of Terrorism
Act and its Future Implications**

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Fulfillment of the Requirements for the Master's Degree in Language Culture.**

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Abstract

Since the creation of the U.S. constitution, the founding fathers were keen to establish the system of checks and balances; a system that would separate the powers of the legislative, executive, and judicial branches, so those branches hold equal power and are required to control each other in order to avoid each branch obtaining too much power, for instance the president can veto a bill passed by Congress, in return Congress also can override the president's veto and pass the bill without his approval. JASTA law is a good example of that, a law designed by congress during Obama's presidency, it allows U.S. citizens to sue the Saudi government and individuals for their role in the 9/11 terrorist attacks. The research provides a historical background about JASTA, and analyzes why this bill was rejected by Obama, as he considered it a mistake that has serious consequences on the United States such as financial punishment because it dispensed a strong financial ally, which is Saudi Arabia, not to mention the other damages that will threaten America's security and destabilize its international sovereignty. Despite all these reasons, congress insisted on overriding president's veto because it has hidden motives to pass the bill.

الملخص

منذ إنشاء دستور الولايات المتحدة ، حرص المؤسسون على إقامة نظام الضوابط والتوازنات، وهو نظام يفصل بين السلطات التشريعية والتنفيذية والقضائية، بحيث تتمتع تلك الفروع بسلطات متساوية من أجل تجنب حصول كل فرع على الكثير من السلطة، على سبيل المثال يمكن للرئيس استخدام حق الفيتو ضد مشروع قانون أقره مجلس الشيوخ، وفي المقابل يمكن لمجلس الشيوخ أيضاً تجاوز نقض الرئيس وإقرار مشروع القانون دون موافقته. قانون جاستا هو مثال جيد على ذلك، وهو قانون صممه الكونجرس أثناء رئاسة أوباما، حيث يسمح للمواطنين الأمريكيين بمقاضاة الحكومة السعودية والأشخاص الذين لهم علاقة في هجمات الحادي عشر من سبتمبر الإرهابية. يقدم البحث خلفية تاريخية عن جاستا، ويحلل سبب رفض أوباما لمشروع هذا القانون، حيث اعتبره خطأً ذو عواقب وخيمة على الولايات المتحدة كالعقوبات المالية لأنه سيؤدي الى الاستغناء عن حليف مالي قوي وهو السعودية. ناهيك عن الأضرار الأخرى التي ستهدد أمن أمريكا وتزعزع استقرار سيادتها الدولية. ولكن بالرغم من كل هاته الأسباب، أصر الكونجرس على تجاوز فيتو الرئيس لأنه يخفي الدوافع لتتمرير القانون

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List of Abbreviations and Acronyms

ABC	American Broadcasting Company
ATEDPA	Anti Terrorism and Effective Death Penalty Act
CIA	Central Intelligence Agency
CNN	Cable News Networks
DOD	Department of Defense
FBI	Federal Bureau of Investigation
FDA	Food and Drug Administration
FNC	Federal National Council
FSIA	Foreign Sovereign Immunities Act
JASTA	Justice Against Sponsors of Terrorism Act
ISCAP	Inter-Agency Security Classification Appeals Panel
NDAA	National Defense Authorization Act

Introduction

The U.S. federal government is the national government of the United States, a federal republic in North America, composed of three distinct branches: Legislative, Executive, and Judicial, which powers are vested by the U.S. constitution in the Congress, the president and the federal courts, respectively. The powers and duties of these branches are further defined by acts of Congress, including the creation of executive departments and courts inferior to the Supreme Court. Those three branches are separate from each other but also equal. The framers structured the government from becoming too powerful, and to create a system of checks and balances, under this system there is interplay of power among the three branches. Each branch has its own authority, but also must depend on the authority of other branches, in other words, each branch of government can check the powers of the other. For example the process of passing a law, a bill must be passed through both houses of Congress before it goes to the president for approval, the president can either sign or veto the bill. when the president agrees with a potential law Congress is trying to create, he will sign the bill to make it a law, however, the president also has the power to veto the bill to stop it from becoming a law.

Justice Against Sponsors of Terrorism Act is a law that passed by Congress on September 28th, 2016 during Obama's presidency, and the driving force behind the creation of this legislation is to allow the victims of September 11th attacks to bring suit against the government of Saudi Arabia, because they alleged that Saudi Arabia closely supervised and funded charities that supported the terrorist organization. The bill also imposes liability on any person who conspires to commit or knowingly aids and abets an act of international terrorism organization, the former president Obama rejected it because he was concerned by the serious potential consequences of the bill, but it was passed despite president's veto.

The aim of this research is to investigate the way the Congress used to reject Obama's veto of the Saudi 9/11 bill. Congress has voted to override president Barack Obama's veto of a bill that would allow families of 9/11 victims to sue Saudi Arabian officials since 15 of 19 hijackers were Saudi nationals. The senate took the first step and the result of the vote was 97_1 vote, then the House of Representatives quickly followed with 348_77 vote, meaning the bill become a law. So both the houses unanimously passed the legislation known as Justice Against Sponsors of Terrorism Act "JASTA" despite Obama administration's lobbying efforts. The bill amends 1976 law that shields other countries from American lawsuits, allowing victims' families the right to sue any member of the Saudi government suspected of playing a role in 9/11 attacks, also authorizing lawsuits against foreign government which directly or indirectly commit terrorism in the U.S.

This dissertation shed light on how the act of JASTA affects the future decision regarding legislative and Executive relation; the measures' supporters contended the legislation only applies to act of terrorism that has occurred on U.S. soil. Also, the study examines the controversy of JASTA and its future perspective. On one hand, president Obama argued in his veto that the bill would undermine U.S-Saudi relation and warned that the law could put U.S. troops and interests at risk. Obama's objections includes also that U.S. officials would face retaliation in the courts by foreign government, he also includes that those retaliation could cause in potentially seriously financial consequences for the U.S. On the other hand, this argument have rung hollow for Congress, which passed the legislation through both houses and they argue that their perspective was to bring justice to the victims and to give them their full rights.

The purpose of this study is to show why JASTA law is controversial and why it was passed. This is mainly because of its nature that there was a controversy between the Congress and the administration to pass the bill into law. JASTA is a controversial piece of

legislation that received massive support in both the house and senate, but was adamantly opposed by the administration. Firstly the bill passed the senate with no opposition in May 2016, then in September 2016 was unanimously passed by the House of Representatives, on September 28, 2016 both houses of the Congress passed the bill into law after overriding a veto from president Obama which had occurred five days earlier. This was the first and only presidential veto override by Obama's administrations .the controversial bill has been the subject of considerable confusion and vigorous complains by some foreign governments; also it has raised controversy about its potential legality and political consequences.

JASTA is designed to contain the legal backlash it could have in the U.S. This is in part because of the conversational aspect of the law that narrow the scope of sovereign community in order to allow for civil claims against foreign states and their related entities for injuries, fatalities, and property damage that was caused by international terrorism .while JASTA was written in general terms ,it was drafted specifically to allow families of the victims of the 9/11 attacks to sue the Saudi government and collect damages for any alleged role they see in the attacks ,this in return would harm U.S. economic, diplomatic and national security interests.

The study also provides a clear picture on the motives behind congressional support to pass JASTA. It is a reflection of domestic interaction taking place in the United States .Which means it should not be regarded as something directed at the rest of the world, despite its wide consequences and the controversy it has created across the world .the following stand out as key motives behind passing it, they are stating as follow; midterm congressional election, the nature of the election system, the centrality of symbolic policies and finally increased media pressure.

A considerable amount of literature on Justice Against Sponsors of Terrorism Act is available. The bill was a key point of research by pundits, journalists, governmental

committees and different think tanks to name but few. The attention mostly focused on the controversy of this act and its future implication.

“Separation of Powers: A System of Checks and Balances” written by Robert Longley explores the creation of the system of checks and balances to ensure a separation of powers of the three distinct branches of U.S. government legislative, executive, and judicial and how framers of the U.S. constitution saw checks and balance as essential for the security of liberty under the Constitution in which each branch can check the actions of the others.

Sean Kealy in his article entitled “Continuing Responses to 9/11: The Price of Justice” provides a detailed analysis of the of JASTA, a brief definition of the bill and the controversy between congress and the president about this bill and how it was passed despite Obama’s veto, it examines the hidden motives of this act and the reasons that led Obama to reject it due to its negative impact and consequences.

“What is the 9/11 bill and why is it so controversial?” is a report made by BBC NEWS on September 29th.2016. It examines why is JASTA so controversial, and what are its wider implications. By defining the law, and answering some questions such as: why would the families want to sue? Also it gives explanations of why did not Obama want the bill? And what happens next?

The work tackles a main subject in the studies of the impact of the 9/11 attacks on the United States and how did victims of those attacks deal with such a problem .Among the other inquiries that drive this research work, the following will be profoundly examined: how did America reply on the damages of those attacks? What are the main requirements of the victims? What was the act that the U.S used to do? Why does JASTA matter and how can it be used effectively in order to eliminate terrorism and prevent its spread? What are the strategies used by the U.S. to regain its power and recuperate its losses? To what extent did

the tragedies of September 11, 2001 affect the Americans and how did they recover from it? Why does the U.S. accuse the Saudi government on doing the 9/11 attacks? And how does Saudi-Arabia response on those severe convictions? What is the role of the Congress in passing the act? Why does Obama using his right to veto and why does the Congress override Obama's veto? What are the congressional hidden motives behind passing JASTA? And what are its future consequences on the U.S. soil and the whole world? These questions are discussed in the research with the additions of other concepts that will occur during the process of developing the subject of the study.

This dissertation includes three chapters. The first chapter entitled "Historical Background about U.S. System of Government and the Veto Power" explains how the American system of government works under the system of "checks and balances" that divides the Government into three branches, each branch has the authority to control other's decision in order to ensure that no branch can hold too much power. The chapter also tackles to analyze the president's power to veto a bill, how the veto power works and its types, in addition to Congress' power to override it.

The second chapter entitled "Cases of Overriding Vetoes through the U.S. History" brings the lights to the change in presidential veto from the early to the modern period. The chapter also talks about Obama's JASTA law, it provides a historical background about JASTA and analyzes its relation to 9/11 attacks, furthermore, this chapter also discusses the dangerous implications caused by JASTA, especially financial problems.

Then, the last chapter entitled "Justice Against Sponsors of Terrorism Act Implications and Future Perspectives" analyzes the president's veto message and the reasons that led him to reject it, and how this veto was overridden by Congress. Furthermore, the chapter tackles the implications about JASTA, weather its impact on United States or on Saudi Arabia and what are the motives behind congressional support to pass this bill, especially since Congress

wants to compensate for all the damage caused by the attacks and give the victims' families their right to sue Saudi Arabia.

Chapter One

Historical Background about U.S. System of Government and the Veto Power

After the declaration of independence, Thomas Jefferson and other founding fathers believed that people were born with rights that no government could take away. They started to create a law that defines the principal organs of the government and their jurisdictions and the basic rights of citizens. They claimed that the U.S. legal system needs to end its dependence on foreign laws so that Americans can make their own system of government and establish the constitution in order to create a strong policy and form a more perfect Union.

The Constitution divided the Government into three branches: The Legislative Branch to make the laws, the Executive Branch to enforce the laws, and the Judicial Branch to interpret the laws. Each branch of government can change acts of the other branches, The president can veto legislation made by Congress and nominate the heads of federal agencies, Congress confirms or rejects the president's nomination and can remove the president under special circumstances, also, supreme court justice who can overturn unconstitutional laws, nominated by the president and passed by the senate. This ability of each branch to respond to the actions of the other branches is called the system of checks and balances. The current chapter gives a historical background about U.S. system of checks and balances and its relation to the separation of powers; it further talks about the veto power and how it works, simply how it is limited? And how it is curbed by congress to be overridden?

1.1. U.S. System of Checks and Balances

1.1.1. Background

A distinctive feature of the US Constitution is the “balance of power” among the executive, legislative, and judicial branches of the government. The framers of the Constitution anticipated the risk of a government agency exercising too much power. To prevent this, they assign power to each government department in order to check or constrain other departments. The constitutions of other countries, even if they strictly imitate the United States’ constitution, are often flawed because they lack such “checks and balances”. However, the internal theory of government restraint can be traced back to the Greek historian Polybius, who wrote about the Roman Constitution about 2000 years ago. He assumed that the constitution of the Roman Republic drew strength from the mix of government forms at the time. Royal power, aristocracy and democracy are the government models of the classical era. Polybius proposed that the monarchy may become tyranny, the aristocracy may fall into oligarchy, and democracy may degenerate into mob rule. Polybius praised a constitution in which the best elements of monarchy, aristocracy, and democracy can be retained and check each other to prevent them from falling into their respective degenerate forms. The Roman Republic disappeared and gave way to the Empire, so it is obvious that the Roman Constitution did not contain the necessary checks and balances to prevent tyranny in practice. However, the ideal of a “mixed constitution” was passed on for two thousand years and was realized in the implementation of the US Constitution in 1789 (Dreisonstok , “The Origins of ‘Checks and Balances’”).

Likewise the philosopher Karl Popper argued that “the problem of politics” is the following: “How can we so organize political institutions that bad or incompetent rulers can be prevented from doing too much damage?” Popper’s answer was: “the theory of checks

and balances”, which he defined as an effort to establish “institutional control of the rulers by balancing their powers against other powers” (qtd. In Salmon “Checks and Balances and International Openness”), that is to say the purpose of creating the system of checks and balances is to ensure that no branch can control too much power.

The framers of the constitution also began to propose the system of “separation of powers” to avoid the concentration of power, on the other hand, if the government’s powers and responsibilities are effectively separated, various departments will exercise their powers in isolation from other coordinating departments, which is not conducive to cooperation and consensus among them (Richardson, “Checks and Balances in Foreign Relations”. In other words “separation of powers” divides the government of the state into branches, each of which has separated and independent powers and responsibilities, so that the power of one branch does not conflict with the power of the other branches.

1.1.2. Definition of Checks and Balances

Checks and balances is a system that divides power between different parts and branches of government in which the branches will be than able to check and balance each other so that no branch can become too powerful. Also, The phrase checks and balances refers to “a system in which all authoritative groups hold equal power and regulate one another. It is commonly used to refer to the structure of the American government. However, it can be used to refer to any system in which branches hold equal power and are required to regulate each other” (“What Does Checks and Balances Mean? - Writing Explained”). Or “it is the principle of government under which separate branches are empowered to prevent actions by other branches and are induced to share power” (Encyclopedia Britannica).

1.1.3. Separation of Powers

Separation of power is a model that divides the government into different departments, each of which has independent power; it helps ensure that no one branch is stronger than the other. Another definition says “separation of powers is the constitutional allocation of the legislative, executive, and judicial powers among the three branches of government” or “it is the doctrine under which the legislative, executive, and judicial branches of government are not to infringe upon each other’s constitutionally vested powers” (Merriam-Webster dictionary).

The term "trias politica" or "separation of powers" was coined by 18th century French social and political philosopher Charles-Louis de Secondat, baron de La Brède et de Montesquieu. His book “*Spirit of the Laws*” is considered to be one of the great works in the history of political theory and jurisprudence, it inspired the Declaration of human rights and the Constitution of the United States. Under his model, the political power of the country is divided into legislative, executive and judicial powers. He asserted that in order to promote freedom most effectively, these three powers must be separate and acting independently (National Conference of State Legislatures). Therefore, separation of powers refers to the division of government responsibilities into different departments to restrict any branch from performing the core functions of another. Its purpose is to prevent the concentration of power and provide for checks and balances.

1.1.4. The Role of Each Branch

In the federal government, Article 1 of the U.S. Constitution establishes a legislative branch composed of Congress. In addition to the other responsibilities listed, Congress is also responsible for making laws. As a general rule, the “non-authorization principle” prohibits the legislative branch from delegating its legislative duties. Article 2 of the U.S. Constitution establishes an executive branch composed of the President. The latter approves and enforces the laws made by the legislature. Article 3 of the U.S. Constitution establishes the judicial branch, which is composed of the Supreme Court of the United States. The judicial branch interprets the laws passed by the legislative branch (Cornell Law School, “Separation of Powers”).

In practice, the system of checks and balances has written support in the Constitution that the legislative branch can supervise the actions of the executive branch in the following ways: Pass two-thirds of the House and Senate votes to veto the president's veto; declare war; approve certain presidential appointments; approve treaties made by the president; approve the funds required to run the executive branch; and the president removes the office by impeachment (“The American System of Government: Separation of Powers”).

In turn, the Constitution gives the executive branch the power to enforce the law. Although government agencies such as the FBI, CIA, and FDA belong to the executive branch of the government, the ultimate power and responsibility for enforcing the laws of the country belongs to the president. Although the president has the power to enforce the laws of the government, he must ensure that he does not go beyond his powers and do what the other two government departments are responsible for (Executive Branch of Government: Definition, Responsibilities & Power Video)

The judicial branch's inspection of the President and Congress lies in its judicial review power. Hayek (1960) distinguishes two ways in which the judiciary can limit the power of other branches. First, the creation of laws and the administration of justice can be separated. Legislature makes laws, but independent judges enforce them, without interference from the legislature or the executive. Second, law- and policy-making can itself be subjected to review by courts for their compliance with the constitution (Porta et al. 2). As Alexander Hamilton argued in the Federal Report, the Supreme Court is the ultimate arbitrator of the Constitution, which means that it has the ability to abolish the laws or actions of other branches. In fact, it took the Supreme Court only until 1803 to strike down its first congressional act as unconstitutional. It should also be pointed out that the lower courts also have judicial power.

The other two departments conducted major inspections of the judiciary because the president appointed federal judges with the approval of the Senate. In addition, Congress can modify rules or pass new rules to replace laws that have been repealed (“The American System of Government: Separation of Powers”).

1.1.5. Checks and Balances in Action

In the centuries since the ratification of the constitution, the system of checks and balances has been tested numerous times. In particular, the power of the executive branch has expanded dramatically since the 19th century, breaking the balance intended by the framers. Presidential vetoes and congressional overrides of those vetoes are often controversial, as do congressional rejections of presidential appointments and judicial rulings against legislative or executive actions. The increasing use of executive orders (official instruction issued by the president to federal agencies without passing Congress) is another example of the increasing power of the executive branch. The U.S. Constitution does not directly stipulate executive orders, but it is implied by Article II, which states that the president “shall take Care that the Laws be faithfully executed.” Executive orders can only promote policy changes; they cannot

create new laws or appropriate funding from the U.S. treasury (History.com Editors). This means that the president must also ensure that the other two government departments do not try to do things that only the president can do, this process of one branch of government overseeing other branches of government represents the act checks and balances.

1.2. The Veto Power

In constructing a legislative, executive and judicial branches of the United States government, the founding fathers built in “checks and balances” to ensure that no branch of the government has too much control, one of this “checks and balances” is the veto, an instrument for the president to limit the power of the Congress. Article 1, Section seven of the American Constitution says that, Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated (Clineburg “The Presidential Veto Power” 732). So after the Congress passes a law, the president can agree or change the law where he can say yes or no; however, the president has only ten (10) days to look over and make a decision, if the president accepts he signs it and becomes a law, if he refuses it this is called a “veto”.

Literally meaning, the word veto comes from the Latin word “I forbid” or “I deny” as it stated in Drake’s book “*The Veto Power*”: “Veto, a Latin word , transplanted into our vocabulary , signifies I forbid”(2) . Veto means the power used by the president of the state to refuse or stop an official action; simply, veto power means that the president can stop any legislation from becoming a law , the president’s veto power is one of the many “ separations of power”, or “checks and balances” of The Unites States Government. The veto is the power of the president to refuse to approve a bill or join a resolution so as to prevent its enactment into law.

1.2.1. The Origins of Veto Power

The origins of the veto power in the U.S. dated back to the early establishment of American colonies which in turn took that idea of the veto from earliest times. The Teutonic tribes that colonized England to the English crown till the American colonies. All used the veto power to an extent to refuse non-favored legislations and take control of the governments (Mason 13). That is to say the term "veto" is derived from the power of the tribune of the people in ancient Rome to suspend the actions of other public authorities. Since the establishment of the Roman tribune that officially had the right of intercession to revoke any order from a consul that violated the freedoms of a citizen, and this was gradually extended to other administrative acts and even to Senate resolutions. The word veto (I forbid) was used at least occasionally by the tribune in such cases. But historically, the so-called veto power of American executive comes from the legislative power of the British crown. Until the 15th century, laws in England were passed by the king on his own initiative or upon request. From that time parliament presented bills in place of petitions and the king's assent was still necessary, and without this assent a bill was not law. For two hundred years, the crown still refused to accept bills, not by formal opposition instead by polite response in old Norman French. Since the beginning of the eighteenth century no bill which has passed parliament has failed to receive the royal assent, but the old method of passing laws is still used.

The president the most powerful weapon that places him directly in the center of the law making process, it is an extraordinary power for an executive to dominate in republican state, Perhaps the most compelling aspect of the veto power is that it must exist, because colonial experience with powerful executives is unsuccessful: the representatives of the 1787 Constituent Assembly resolved to establish a balanced government in which power would be divided by function rather than concentrated on one power; understanding that they had to provide all the components with a constitutional power of self-defense for such a system to work, in the same context. McGowan confirms the same idea, he says, reinforcing the separation of powers is a system of checks and

balances empowering each branch to defend itself against encroachments by another (Mcgowan "*The President's Veto Power*" 791), so as the colonial experience is failed, representatives compulsivity inferred that for the president this meant" the veto".

1.2.2. Advantages and Risks of Veto Power

Historically, the veto power was intended as a passive tool to preserve the constitutional separations of power and the rights of citizens as part of system checks and balances. It retains this function in many cases but has emerged as an instrument of inter-institutional policy parleying in democracies characterized by presidential leadership (Bulmer 3).

The veto power can be a powerful tool in strengthening the president's influence over policy and legislation. Which means it is an extraordinary power that was given to the president of the U.S. that place him in the position of the decision-making process, where he is able to pass or stop any legislation passed by Congress, according to Bulmer: A presidential veto is a constitutional mechanism that enables an elected head of state to refuse assent to a legislative bill (proposed law) that has been passed by the legislature, but not yet finally enacted. The effect of the presidential veto is to stop the bill from becoming law, unless the veto is overridden ("Presidential Veto Powers" 3).

The power of a veto comes from the constitution and most presidents in history have used it at least one time. Franklin R. Roosevelt has vetoed more than bills than any other president in history, he vetoed 372 bills. More recently, Barrack Obama vetoes 12 bills while presidency and Donald Trump vetoes 8 bills while presidency. Moreover, veto power is regarded as an important safe guard in international relations by many supports like Thomas G. Weiss and Giovanna Kuele.

Although the constitution vested this great veto power to the president; however, it risked to put the final decision of passing a bill into law in the hands of one person even if he has not the crucial decision because his veto can be overridden by the Congress. As Bulmer mentioned the veto power puts great power and responsibility in the hands of one person: why

should one person's decision outweigh the decision of a whole legislative assembly? Excessive presidential veto powers may unbalance the working relationship between the executive and legislative branches, resulting in a combination of autocracy and deadlock ("Presidential veto powers" 3).

1.3. How a Bill Becomes a Law?

The process starts when a congressman or a senator or even interest groups like: the executive branch or the constituents introducing a bill. But the format process begins with the legislator introducing the bill. After its production, bill is referred to a committee. Bills can start in both House of Representatives or the Senate, for example when the bill starts in the senate though the bill would referred to a certain senate committee which would then write up the bill in formal, legal language, or markup, and vote for it. If it wins a majority in the committee, it moves to the floor of the full senate for consideration. The senate usually decides the rules for debate between opponents and proponents of the bill. If the bill wins the majority of the votes in the senate, it moves into the House of Representatives, so the House has an extra step to do, in that all bills before they go out to the floor of the House must go the rules committee which reports it out to the House. If the bill receives the majority of votes in the House then it passes. So after the same bill passed both Houses then it goes to the president. This almost never happens though, usually the second house to get the bill will want to make some changes to it, and if this happens it will go to a conference committee which is made up of members of both houses. The conference committee attempts to reconcile both versions of the bill and come up with a new one. Then this version sends back to both houses for a new vote. If it passes then it will send to the president "When presented with legislation passed by both houses of Congress, the President may sign it into law within the 10-day period prescribed in the Constitution, let it become law without his signature," (Sollenberger 1).

When the bill was sent to the president he can sign it to say “yes” and make it a law and this is the first option, in addition there are two other options. Actually, option two is to veto the bill to say “no” and the bill doesn’t become law. So what happens when the president vetoes a bill? The answer is the purpose of a veto is for the president to recommend changes to the bill, the president can write a veto message and return the bill with the message to Congress and then can make changes. The third option happens when the president neither signs nor vetoes the bill and then in the next 10 days Congress goes out of session, the bill does not become a law. This is called a pocket veto. Congress can avoid this all together by passing bills and giving them to the president before that 10 days period, if the president neither signs nor vetoes a legislation and Congress remains in session for more than 10 days, then the bill automatically becomes a law without the president’s signature. In other words, Congress can pass a bill into law without the president’s signature, to do this each part of Congress, senate and house must require two-thirds vote for yes to the bill, as stated by Sollenberger, action by both the House and the Senate is required to override A two-thirds majority vote by Members present (provided there is a quorum) is required to override a presidential veto (“The Presidential Veto and Congressional Procedure” 2).

1.4. Types of Veto Power

When Congress is in session, the President must exercise his veto within the prescribed 10-day period and return the rejected bill to Congress with the reasons for his veto. If the President neither signs nor vetoes legislation sent to him, it will become law without his signature at the end of the period. If, however, Congress has adjourned, preventing the return of a bill, the President may withhold his signature and the bill does not become law. This latter practice is known as a “pocket veto”. Unlike the return of a vetoed bill, Congress does not have the opportunity or constitutional authority to override a pocket veto (Sollenberger 1-2).

If the president says No for any resolution, this is called a “veto”. In the “regular veto”, the president would refuse to sign the bill but including a veto message explaining why he disapproves, if Congress still wants to pass a law, they get another chance of vote, overriding a president’s veto must be approved by two-thirds of the house and senate. So what happens if the president receives a bill and do nothing after 10 days, no signature and no veto message, well the answer then depends on Congress, if it is in sanction the bill automatically becomes a law. However if the Congress is on break, then the president can sometimes use a tactic called the “the pocket veto”, when the president refuses to sign a bill and the Congress has adjourned then the bill dies.

Most constitution providing for the president a time period within which can consider a bill and decide whether or not to veto it, this period varies from one country to another, in U.S. the period is ten days excluding Sunday, the period of consideration depends on the length of the bill and sometimes in case of urgency the legislation declared to reduce the period during which the president may consider a bill and either to sign it or to veto it.

The regular “returned” veto: occurred when the president unsigned a bill and returned it to the Congress within 10 days period with his objectives in which he explained why he is rejecting the bill, basically with a memorandum of disapproval or veto message. Or, in simple words, as stated by Kosar, The Constitution states that, when the President vetoes a bill, “he shall return it, with his Objections to that House in which it shall have originated” (qtd, In “CRS Report For Congress” 1), this type of action is called a “regular” or “return” veto. President George Washington issued the first regular veto on April 5, 1792 (“Presidential vetoes”).

The Congress can override the president’s veto by doing a vote in both houses, so vetoes have been challenged and sustained in one house eliminating the need for a vote in other chamber, if two-thirds majority votes for yes; it is required to override the president veto.

Prior to 1969, Congress overrode approximately 1 of every 18 (5.7%) regular vetoes. Since 1969, Congress has been more successful, overriding about 1 out of every 5 (18.3%) regular vetoes (Sollenberger 2).

The pocket “absolute” veto:” Congress has adjourned within the 10-day period after presentation of the bill to the President (thereby preventing the return of the bill to Congress), the President may simply withhold his signature, and the bill does not become law — a practice that has been dubbed a “pocket” veto.” (Kosar 1). That is to say this type of veto happened if the president neither vetoes a bill nor signs it, so he refuses to sign the bill but does not actively reject the veto or return it to the legislature within the 10 days that he has given. As a result the bill that hasn’t been signed or vetoed by the president within that prescribed period and automatically becomes a law at the end of that period, regardless of the president’s inaction , this is called “pocket veto “ as if the president put the bill in his pocket and walk away with it. This type of veto can’t be overridden.

The Congress by their adjournment prevent its return, in which case it shall not be law, thus Congress and president have clashed over the use of the pocket veto, debating the term “adjournment” . The president has attempted to use the pocket during intra and inter session adjournments and congress has refused this use of the veto. In other words, if Congress adjourns within 10 days after giving the president a bill, the president exercises the pocket veto by putting it in his pocket and does not sign it, here the bill will not pass and become law, and here the congress must start the process from the beginning. President James Madison was the first president to use the pocket veto in 1812 (“Presidential Vetoes”).

I.5. Why Veto Power is Limited?

Veto power is a strong political power vested to the president by the founding fathers through the constitution. In order to achieve certain objections which are: enhancing the

system of checks of balances, permitting the president authority over the nation, checking any unconstitutional rules and enhancing democracy, also they aimed to eliminating the work of the government in which they gave the president the chance to say No or deny a certain bill from becoming law, as Gressman mentions in the journal article “Is The Item Veto Constitutional?” That veto power would permit a President to selectively approve and disapprove individual items or sections in bills passed by Congress and presented to the Executive for approval or disapproval (819). However the process of “veto power “ is limited, which means it does not enhance president’s decisions only to pass a bill but also it is checked by Congress in which it can pass the bill even if the governor vetoed it.

The process of overriding the veto by the Congress is another feature of checks and balances, it has rules and principles to follow and it does not occurred randomly, the Congress has to assure that two-third majority of the senate in order to override a presidential veto, which means although the founding fathers gave this power to the president so as to preserve the system of checks and balances however, the Congress too may have decisions over vetoes by overriding them by doing a vote called “vote overriding”.

I.6. How Veto Power is Curbed by Congress to be Overridden?

The constitution of U.S. grants the president the authority to reject legislation passed by Congress in two ways: the regular veto and the pocket veto. After the Congress passes the bill, it gives the president 10 days (excluding Sunday) to review the legislation and decide whether he sign the bill and return it back to the Congress which it become law, or he do nothing no signature no messages, thus if Congress is in session after 10 days the bill automatically becomes a law even if president’s rejection.

In a regular veto, the president rejects the bill by sending it back to Congress without his signature but he provides it with a veto message explaining why he didn’t accept or sign, Congress here has the authority to override the veto by doing a vote in both the House of

Representatives and senate, the congressional procedure for reconsidering the vetoed legislation is similar in both the House and Senate. The vote must require two-thirds votes in each chamber, when one house fails to override, the other house will not attempt to override, even if the votes are present to succeed. Action by the Senate or the House of Representatives on a veto may be taken at any time during a Congress in which the veto is received. So if an override vote is successful then the legislation becomes law. However, in a pocket veto the president neither signs the bill nor sends it back to the legislature, as if he puts it in his pocket and walk away without doing any reaction, here the veto doesn't become law and it can't be overridden ("Presidential Vetoes").

To conclude, we can say that the U.S. system of checks and balances and the separation of powers have provide a stable structure for the U.S. government by organizing and controlling institutions to ensure that no branch can control too much power. Also, the legislative and executive branches are almost still work interchangeably in some cases like the process of the production of laws, each branch has the authority to interfere other's decision; simply, the president could veto Congress's bills and Congress also can react by override this veto. So the veto is a process by which the president can veto a bill which was sent by Congress, the president can sign the bill to say "yes" and make it a law or he can veto to say "no" and the bill doesn't become law. And overriding a veto is a process by which each chamber of congress votes on a bill vetoed by the governor, the process must require a two – thirds vote for yes to the bill in each house to pass the bill into law over the president's objections.

Chapter Two

Cases of Overriding Vetoes through the US History

When the president vetoes a bill proposal, it does not mean that Congress has no choice. In fact, one of the powers that Congress has is the ability to override or overturn a president's veto. This is a process by which the various houses of the legislature veto bills that vetoed by the president. In U.S. Congress can override a presidential veto by having a two-thirds majority vote in both the House of Representative and the Senate.

For long time, historians, political scientists, and legal scholars have debated the origin and development of the early administrative veto power in the United States. Some of them believe that this power was initially considered quite limited. These scholars argue that before Andrew Jackson used the veto power on the Bank of America renewed charter, the veto power was limited to unconstitutional or administratively infeasible legislation. Others believe that there is no such norm. The veto has always been understood as an important legislative power of the president, and early presidents have also used it in this way. The early use of the veto was completely different, not because it restricted constitutional norms, but because the electoral conditions that produced a balanced veto had not yet appeared (McCarty "Presidential Vetoes in the Early Republic"). From this point, historians and political scientists divided the use of veto into two periods, early and modern, due to some changes which are linked to the President, the legislators to use veto bargaining to define issue positions before the electorate, and changes in the electoral environment of the presidency, such as increasing popular participation, the emergence of mass parties, and declining influence of political elites in presidential elections.

2.1. Early Presidential Veto Power

It is generally believed that president's veto power plays an important role in the legislative process. The president can reject the implicit or explicit threat of signing legislation that is considered to affect the outcome of the policy. In addition to its direct impact on policy, veto politics is also considered to play an important role in defining the partisan policy conflicts of voters.

Since the twentieth century, the veto power has been less used for a long time. The most common interpretation of the infrequency of the veto power has focused on the norms surrounding the legal exercise of administrative power in the constitution. Many scholars believed that the early presidents and legislators viewed the veto very narrowly. The veto was not regarded as the legislative power of the president. On the contrary, the system of separation of powers sees that the veto is mainly executive or judicial function. Its executive role is twofold. First, it protects the president from violations by legislature. The second is to give the president the opportunity to drafts or bills that cannot be effectively implemented. Alternatively, the judicial aspect of the veto power is to provide the president with an opportunity to prevent the promulgation of unconstitutional laws. Therefore, the veto power can only be legally applied to legislation that is clearly unconstitutional, encroaches on executive power, or is improperly worded. Vetoes were rare due to a number of other factors such as politically-weak presidents, the availability of other methods of presidential influence, and a simple lack of legislative activity (McCarty "Presidential Vetoes in the Early Republic").

Congress in return, can override the veto by passing the law with a two-third majority vote in both House of Representatives and Senate, this power can be traced back to the Constitution, but it was not until 1845 that Congress successfully used it. President John Tyler

refused to sign a bill that prohibits the President from authorizing the construction of Coast Guard ships without the approval of Congress (“Override Veto: Congress versus the President”).

2.1.1. First Congressional Override of a Presidential Veto, March 03, 1845

At the end of the 28th Congress (1843-1845), the House of Representatives and the Senate passed the first presidential veto (a bill that exceeds the lame President John Tyler’s veto of appropriations). In January 1845, Connecticut Senator Jabez Huntington proposed that the original bill prohibits the President from authorizing the construction of revenue maritime service (Coast Guard) vessels , and denying him from the power to appropriate federal funds to build revenue-cutter ships without the approval of Congress. With the override, Congress insisted that the executive branch get the legislature’s approval before commissioning any new military craft. President Tyler vetoed the bill to protect existing contracts and preserve presidential privileges. Huntington responded that “the President’s objection was based solely on linguistic criticism.” (“The First Congressional Override of a Presidential Veto | US House of Representatives: History, Art & Archives”).

On the last day of the meeting, the Senate overturned Tyler’s veto with only one vote and sent it to the House of Representatives for immediate consideration. The House of Representatives debated until that night. When voting on the bill, Thomas Bayly of Virginia pointed out that the hand of the clock was exactly 12 o'clock. It was suspended for five minutes. According to the Constitution, the House of Representatives adjourned. As the Congress before the 20th Amendment expired on 3rd, Bayly believes that the legislative work must stop after midnight. However, the speaker refused to "accept any motion when the House of Representatives splits" and ordered the clerk to take a roll call. The House of Representatives voted 126 to 31 in favor of overthrowing, and Tyler's veto was invalid (“The

First Congressional Override of a Presidential Veto | US House of Representatives: History, Art & Archives”).

2.1.2. President Andrew Johnson’s Veto of the Third Reconstruction Act, July 19, 1867

After the Civil War, the radical Republicans in Congress and President Andrew Johnson diverged on the terms and conditions for the readmission of separated states into the Union. President Johnson viewed reconstruction as an administrative responsibility and blocked Congress’ initiatives. Congress tried to limit the powers of the president; it expanded during the war and took a less conciliatory stance against the former Confederate nations on issues of loyalty, governance, and the rights of black citizens. In 1867 and 1868, Congress passed four reconstruction bills to overturn Johnson's vetoes (“Reconstructing the Union”).

Beginning in March 1866, the reconstruction period tried to force changes in the rebel country by enacting a series of laws designed to control the behavior of the rebel country. Only by looking back at the past can we say that reconstruction began in 1866, because it was not until March 1867 that Congress passed the first so-called reconstruction bill that really promoted changes in the South. President Andrew Johnson tried to veto all three bills, but every time Congress passed the bill despite these objections. On July 19, 1867, the Third Reconstruction Act granted five federal generals the highest authority to oversee the reconstruction of the five southern regions. Each region includes several former Confederate states, with the exception of Tennessee, which has never been under military rule. These generals held the power to remove any official, elected or otherwise, from office if they believed the official to impede rather than expedite the process of Reconstruction (Foner “Not Even Past: Social Vulnerability and the Legacy of Redlining”).

Understandably, the North believes that the South tried to avoid obligations under the previous reconstruction bill, which includes convening a constitutional convention to rewrite each state's constitution and approve the Fourteenth Amendment. Although this law is intended to improve the situation of southern blacks trying to resettle after the liberation, southerners are generally dissatisfied with this. They believe that the North is again, trying to impose their will on the former Confederacy. When Congress pushed for the passage of reconstruction bills, even though President Johnson had veto power, they might not realize the impact of these bills. In the South, white citizens will go to extremes, including the formation of the Ku Klux Klan "Official name Knights of the Ku Klux Klan. a secret hate group inspired by the former, founded in 1915 and currently active across the U.S., especially in the South, directed against Black people, Muslims, Jews, Catholics, foreign-born individuals, and other groups" ("Definition of Ku Klux Klan | Dictionary.com") and the later formulation of Jim Crow laws "any state law discriminating against Black persons" ("Definition of Jim Crow Law | Dictionary.com") to prevent blacks from gaining power. At the same time, Johnson was impeached by the House of Representatives because he tried to remove cabinet members who supported the reconstruction, even if he vetoed it. According to the House of Representatives, Johnson violated the Tenure Act of March 1867 (Foner "Not Even Past: Social Vulnerability and the Legacy of Redlining").

2.2. Modern Presidential Veto Power

From George Washington presidency (1789-1797) to the presidency of William H. Harrison (1841), the Congress didn't override any presidential vetoes, until Tyler's presidency (1841-1845) when the Congress successfully used this power over one of his 10 vetoes. The House joined the Senate to pass Congress's first presidential veto override. Congress would not override another presidential veto for more than a decade, during the administration of Franklin Pierce; it overrode five of his nine vetoes. To date, U.S. Presidents have vetoed

more than 2,500 bills—with Congress overriding the President less than five percent of the time. (“The First Congressional Override of a Presidential Veto| US House of Representatives: History, Art & Archives”)

The president who revoked most of the president's veto power was Andrew Johnson, and 15 of his 20 vetoes were overthrown by Congress. Although President Franklin D. Roosevelt vetoed 635 bills, Congress overturned only 9 of them. His veto is the same as Reagan's, but the ratio is obviously different. President Reagan exercised a total of 78 veto powers, that is, Congress rejected Roosevelt's 1% veto power and Reagan's 12% veto power. The Congress also override 12 of 250 vetoes of the president Harry S. Truman; and 12 of 66 of the president Gerald R. Ford (1974-1977). (“Presidential Vetoes”).

Which means in the early years of republic; the Congress did not exercise the overriding process against presidential vetoes as in the modern years, so in modern years of republic Congress responds more to presidential vetoes by overriding them through a vote which should require two-thirds majority in each chamber of the congress. This is mainly because of the change in electoral incentives, nature of legislation and the relation between executive and legislative branches which are from the same political party.

The primary cause of presidential vetoes is the incentive of legislators and presidents to use veto bargaining to define issue positions before the electorate. So changes in the electoral environment of the presidency, in particular increasing popular participation and declining influence of political elites in presidential elections. As a result, the use of the veto increased, and it became increasingly tied to electoral politics and partisan policy conflicts. Thus, while agreeing that the nature of veto usage changes in the 1820's, we argue that these changes resulted from a democratization of the presidential office, not the breakdown of constitutional norms. However, the changes that occurred were limited only to the frequency of veto usage,

not to the role of the veto in shaping legislative outcomes (McCarty “Presidential Vetoes in the Early Republic”)

The main factors that affect modern vetoes and override actions are stated by Hoff et al. in his journal article “Factors Which Influence Congress’s Decision to Override a Presidential Veto: A Study of the Veto Process”:

Lee concludes that presidential propensity to veto increases (1) when the chief executive is a Democrat; (2) in an inverse proportion to the number of years spent in Congress; (3) when Congress is controlled by the opposition party; and (4) in direct proportion to the percentage of electoral votes the incumbent received in the last election, while the propensity to override increases (1) when Congress is controlled by the opposition party; (2) in direct proportion to the percentage of electoral votes for the president in the previous election; (3) when Congress convenes after midterm elections; and (4) in an inverse proportion to the degree of military crisis.(25).

So in Lee’s research on veto power, he examines the main factors that lead to significant differences among and within presidential terms, he suggest that the independent variables are categorized as person, power situation, and environmental factors. Lee performed multiple regressions on 71 Congressional data to estimate the effect of each variable on veto frequency and overriding actions. He also finds that the president's veto power is largely due to predecessors and power situation, not to the environment.

A significant example of the modern presidential veto is the national defense authorization act for fiscal year (2020) veto. So the national defense authorization act (NDAA) is a bill that aims to defend military and give guidelines for the use of military possessions. Bellow we will mention more details about the bill, its meaning, how it was vetoed by president Trump, and how does congress override president’s veto to pass the legislation.

2.2.1. What is NDAA?

As Towell states in his report “FY2020 National Defense Authorization Act: P.L. 116-92 (H.R. 2500, S. 1790)”, NDAA “Enacted annually to cover every defense budget since 1962, the NDAA authorizes funding for the Department of Defense (DOD) activities at the same level of detail at which budget authority is provided by the corresponding defense, military construction, and other appropriations bills.” (1). So the National Defense Authorization Act (NDAA) is a bill passed annually by Congress in order defend military and to change the policies and organizations of the U.S. department of defense and provide guidelines for the use of military assets.

The NDAA for fiscal 2021 has been passed for 60 consecutive years by Congress until 2020, the president Donald Trump vetoed the bill because he did not want to pass it into law; however, Congress overrode President Trump's veto. So despite trump’s veto, the bill was passed with overwhelming support in the Senate and the House of Representatives (Barkley” National Defense Authorization Act (NDAA”).

Until 1961, the U.S. defense budget was the exclusive prerogative of the House of Representatives and the Senate Appropriations Committee, but in 2020, there was a considerable change for instance, the defense spending legislation became a two-step process, including approval and allocation to the committee that manages defense policy (Barkley).

The process starts in February, when the White House submits the federal budget for the October-September fiscal year to Congress. During this period, the committee of armed forces begins to develop the NDAA. Usually by forming sub-committees focused on specific areas, such as military personnel, combat readiness, or cyber security. As a result of doing some hearing, the Armed Forces committees of the house and the senate usually formulate and

adopt their own version of the NDAA law and submit it to their chamber, the Senate may decide to debate and vote on the House version. If the two bills are different, the Senate and House of Representatives will employ a conference committee to agree on a conference report to be passed by the two houses. Once passed, the law will be sent to the president's desk to be signed into law (Barkley).

2.2.2. Why did Trump Veto the Bill?

On December 23th, 2020, President Trump vetoed NDAA bill, as Carafano confirms, on Wednesday, he vetoed the annual National Defense Authorization Act (NDAA), which authorizes \$740 billion in military spending (“Why Did Trump Veto Military Funding”). Trump returns the bill to congress with many objections like when he objected to provisions in the bill that would remove the names of Confederate leaders from military bases and place restrictions on U.S. troop withdrawals from Afghanistan and Europe. Moreover, Trump criticized the lack of language legislation, which deprived social media companies of the protection they enjoyed under Section 230 of the Communications Integrity Act. This action in 1996 prevented companies such as Twitter and Face book from being sued by people who claimed to have harmed them. The president who claimed that the social media company was anti-conservative, stated that Article 230 poses a threat to national security. In this context Carafano, a leading expert in America’s national security and foreign policy nationals, said “The president wants the NDAA to include a repeal of Section 230 of the Communications Decency Act of 1996, which protects Internet platforms like Facebook and Twitter from legal liability for content posted by users” (“Why Did Trump Veto Military Funding?”).

The president wrote when vetoing the legislation “Unfortunately, the Act fails to include critical national security measures, includes provisions that fail to respect our veterans and our military's history, and contradicts efforts by my Administration to put America first in our

national security and foreign policy actions. It is a 'gift' to China and Russia"(O'brien, "Trump Vetoes Defense Bill, Setting up Showdown with Congress").

2.2.3. Congress Overrode President Trump's Veto

Trump has vetoed eight other bills, but those were all sustained because supporters did not gain the two-thirds vote needed in each chamber for the bills to become law without Trump's signature. The \$740 billion NDAA for the 2020 fiscal year was the first time that Congress successfully overrode a veto by President Donald Trump. Senate Majority Leader Mitch McConnell said, before the vote that Congress has passed the National Defense Authorization Act every year for 59 years in a row, "and one way or another, we are going to complete the 60th annual NDAA and pass it into law before this Congress concludes on Sunday"(Daly).

On Monday night, the House of Representatives voted to overturn President Donald Trump's veto of the national defense law. This is the first time Trump's presidency has been cancelled and the president's final repression a few weeks before his departure. On Dec. 8, The House of Representatives voted with 335, 78 votes. This is a significant condemnation of the divided President of Washington by the two parties, because the decision requires the support of two-thirds of the House of Representatives. The measure will now be submitted to the Senate, the Senate voted to overthrow Trump. It made the same decision on Dec. 11, with 84 to 13 votes. Then the legislation officially became a law (O'brien, "Trump Vetoes Defense Bill, Setting up Showdown with Congress").

Overriding presidential veto is a sensitive issue, the fact which proves that when the government is in front of an important legislation, Congress takes the lead in order to pass a law despite Presidential refusal, then we mention below another memorable overriding veto,

which is our case study in this dissertation, the enactment of JASTA ‘Justice Against Sponsors of Terrorism Act which was passed in September 28, 2016’.

2.3. Historical Background of JASTA

The Inter-Agency Security Classification Appeals Panel (ISCAP) released 29 new documents related to the government’s investigation into the 9/11 attacks, revealing New disclosure details about these attacks of September 11, 2001. Also the documents tackle the deep involvement of families in the Saudi royalty; However, Since the first election of the president Obama in 2008, he has pledged the families of the 9/11 victims of the horrible attack that he can circularize the 28 pages from the Joint Congressional Inquiry that element the Saudi participation in those atrocious attacks (“Obama Administration Declassifies 28 Pages of Congressional Inquiry into 9/11 Attacks” 1). In this context Lee and Salomon suggest that, “The U.S. government Friday released 28 pages of documents from a congressional inquiry detailing links the Federal Bureau of Investigation found between the Sept. 11, 2001, hijackers and Saudi nationals based in the U.S.”(1).

Obama has now no longer only damaged that promise rather he has constantly preserved the Saudis from justice over their position in 9/11 attacks and this obviously appears now via President Obama’s visit to Saudi Arabia and when he veto the bill that can allow households of the victims of the 9/11 attacks to get their rights, the bill called “the Justice Against Sponsors of Terrorism Act (JASTA)” (“Editorial: New Documents Further Detail Obama’s Collusion with 9/11 Sponsors”).

Previously, U.S. has two related but different laws. The first is The Foreign Sovereign Immunities Act (FSIA) of 1976 that establishes the limitations as to whether or not a foreign sovereign nation may be sued in U.S. courts. The second one called The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), which contained a number of provisions to deter terrorism and provide justice for victims (Wiseman). However, JASTA amends the previous two bills in terms of civil claims against a foreign state for injuries, death, or damages from an act of international terrorism.

The Justice Against Sponsors of Terrorism Act (JASTA) was enacted to allow The families of the victims of the September 11 terrorist attacks to sue the Saudi-Arabia Government for its alleged involvement in the 9/11 attacks. “JASTA is considered by many a necessary next step in the long road to vindication, allowing 9/11 families to seek justice against foreign governments that may have been involved in the attack” (Cahill 1700). It was passed by Congress on September 28, 2016, with overwhelming bipartisan support. President Obama previously vetoed the bill on September 23, 2016. At that time, the bill was passed by both houses without a vote against, but the Congress rapidly overthrew it in the Senate with 97 to 1 votes and 348 to 77 votes in the House of Representatives (“Congress Overrides Obama’s Veto to Pass Justice against Sponsors of Terrorism Act”). The families of 9/11 victims who lost their loved ones on September 11, 2001 pressured Congress and President Obama’s to pass the law and try to make their words heard by sending a clear message to the world: “If you support a terrorist attack against U.S. citizens in the United States of America, we will hold you accountable in a U.S. court” (Watkins 147).

JASTA aims to narrow the scope of sovereign immunity to resolve civil claims against foreign countries and affiliated organizations related to injuries, deaths and property losses caused by international terrorism. So to understand the purpose of JASTA, we must first understand the general legal principles of foreign immunity. The Foreign Sovereign Immunity

Act (FSIA), which complies with international law, imposes significant restrictions on when it is possible to sue foreign governments and related organizations in state or federal courts in the United States.

Victims of terrorism and their families file civil lawsuits against foreign countries and related organizations in some cases. So JASTA allows victims of terrorist attacks to sue a country that supports terrorism, even if that country is not listed as a country that supports terrorism. For instance, Saudi Arabia, fifteen of the nineteen terrorists who launched the attack on September 11, 2001 were Saudi citizens, but the Saudi Arabian government denied any involvement in the attack. As a result Congress passed a law allowing families of victims of 9/11 attacks to prosecute Saudi Arabia; however, even if the 9/11 plaintiffs may take places in courts; they will probably never get a decision in their favor. This may increase the tension between the United States and Saudi Arabia.

This is the first veto of President Barack Obama. The bill received votes in both houses of the Congress and finally it can become an official law, “JASTA was introduced in the Senate on September 16, 2015 and successfully passed both chambers by September 9, 2016. On September 23, 2016, President Barack Obama vetoed the bill for the first and only time during the eight-year Obama Presidency. Congress legislatively overrode the President’s veto five days later, and JASTA became law” (Cahill 1701).

The motivation for the Congress to pass JASTA was to allow the progress of the lawsuits of the families of the 9/11 attacks victims. The bill did not mention Saudi Arabia as a sponsor of terrorism or as a responsible for the attacks rather it can be used to resolve international terrorism lawsuits against various countries that harm the interests of the United States. And even the U.S. government does not regard the state as a sponsor of terrorism for example; can Palestinian Americans sue Israel in the United States through JASTA? However, the bill

specifically targets Saudi Arabia and has received support from a number of stakeholders, including Bob Graham, the former chairman of the Senate Intelligence Committee, who believes that Saudi Arabia was involved in the September 11, 2001 attack. Neoconservatives accused the kingdom of exporting extremist Islamic ideology and funding violent extremist groups. The families of 9/11 victims are the driving force behind the Law. Senator Schumer lost several voters in the 9/11 attacks. He was very supportive of the 9/11 victims and vowed to bring those responsible for the attack to justice. He says:

The ‘Justice against Sponsors of Terrorism Act’ is very near and dear to my heart as a New Yorker, because it would allow the victims of 9-11 to pursue some small measure of justice by giving them a legal avenue to hold foreign sponsors of terrorism on US soil accountable for their actions... JASTA is a long-overdue fix—a responsible, balanced fix—to a law that has extended too large a shield to foreign actors who finance and enable terrorism on a massive scale. The victims of 9-11 and other terrorist attacks have suffered such pain and heartache, but they should not be denied justice and so, I will fight hard in Congress until the House passes this bill and it is signed into law (Perugino).

The passage of the law was seen as an attempt to bring justice to the families of the victims of the 9/11 incident, and required the Kingdom of Saudi Arabia to be held accountable for its possible involvement in the terrorist activities that day. However, JASTA has never been limited to the 9/11 attacks, so it has a wider impact on the immunity of the general state. The protection provided by sovereign immunity is far-reaching and complex. Under this protection, military service can operate around the world without worrying about being sued for actions taken at the request of our government. The sovereign immunity concept protects other state actors from taking responsibility for participating in terrorist acts committed in the United States.

2.4. Supporters and Opponents of JASTA Bill

2.4.1. Supporters

The cosponsors of the bills are bipartisan. The Senate bill sponsored by Sen. John Cornyn (R-TX) has 12 Republican and 10 Democratic cosponsors, while the House bill sponsored by Rep. Pete King (R-NY2) has 10 Democratic and 9 Republican cosponsors. Senate sponsor Cornyn suggests that “The families that lost loved ones on September 11, 2001 deserve the chance to seek long-overdue justice against those responsible for their unspeakable loss,”; “This legislation will allow families victimized by terrorism to proceed in court against their attackers and hold them accountable for their actions.” Moreover, Hillary Clinton announced her support for the bill saying “Wherever the trail may lead, it should be followed. We need justice.” Also, presidential candidate Sen. Bernie Sanders (I-VT) is a cosponsor of the legislation, he said, “The families of those lost on that terrible day have the right to review any evidence that connects the hijackers to foreign supporters,” and “If no such connection exists, then our country deserves the information necessary to put that speculation behind us.” Fellow presidential candidate Sen. Ted Cruz (R-TX) is also a cosponsor. Donald Trump does not yet appear to have taken a stance on the legislation, but did say he advocates public release of the 28 redacted pages which are presumed to identify Saudi assistance during the attacks (“Summary of S. 2040 (114th): Justice against Sponsors of Terrorism Act”).

2.4.2. Opponents

Obama's Administration warns that the bill, if passed, could destroy our alliance with Saudi Arabia, one of the few U.S. allies in the Middle East, perhaps the most volatile region of the world. They also say it could put U.S. citizens at risk overseas. Obama made headlines with an interview published in *The Atlantic* last month, in which he called Saudi Arabia and a few other nations "free riders" who rely too much on the U.S. for military assistance. Also, Saudi Arabia says the move could cause great damage to them economically, forcing the country to sell \$750 billion in treasury securities and other assets before they could be frozen by American courts. Moreover, Senate Armed Service Committee Chairman Sen. John McCain (R-AZ) said that the bill would alienate Saudi Arabia and undermine a longstanding relationship with a critical U.S. ally in the Middle East, a necessary partner in fighting terrorism and other extremist groups ("Summary of S. 2040 (114th): Justice against Sponsors of Terrorism Act").

2.5. Financial Punishment

Since JASTA was designed to allow U.S. citizens to sue the Saudi government and individuals for their role in the terrorist attack on September 11, 2001. Saudi Arabia responded quickly. Other countries in the region, including Qatar, Turkey, and Egypt, also expressed disappointment in the passage of the law and urged Congress to reconsider. With the controversial bill now becoming law ("JASTA: Another Test for U.S.-Saudi Relations | Middle East Policy Council"). Some Saudi columnists praised the government's cautious response; they showed patience and foresight in formulating the response. Others urged their government to reconsider its strategic relationship with the United States. At the same time, more arbitrary commentators on social media mock the hypocrisy of the United States, while

weighing the potential impact of the law on Saudi Arabia's future, and their own (Jambi and Smith "JASTA Lights up Saudi Social Media").

2.5.1. Outrage and Worry on Twitter

Some citizens in Saudi Arabia and the gulf region were hungry for revenge. Twitter publicity called for a collective boycott of American products in the gulf region in response to the adoption of JASTA. The activity was supported by Jaber Al-Harmi, editor-in-chief of Al Sharq, a Qatar newspaper. a Saudi lawyer Khalid Alnowaiser encouraged the Saudi Shura Committee to immediately activate Saudi Arabia's JASTA and allow any Saudi citizen to sue any government that supports terrorism against Saudi Arabia. He further encouraged the government of all Gulf countries to enact similar legislation. Another theme on social media emphasized profit motives. The Saudis reviewed the commercial benefits behind the legislation, including the fees that the U.S. law firms would be getting from JASTA. Others have adopted the opposite strategy, believing that the United States will suffer financial losses upon the implementation of JASTA. They drew on the analysis of Fawaz Gerges, a professor at the London School of Economics, who pointed that Saudi assets in the United States are estimated to be between \$700 billion to \$1 trillion dollars. Some commentators speculated that if JASTA goes into effect, Saudi Arabia may sell these assets because these assets are expected to be frozen (Jambi and Smith "JASTA Lights up Saudi Social Media").

2.5.2. The Anti-Saudi Law Will Hurt United States, Not Saudi Arabia

American tort lawyers represent the families of the deceased of 9/11 victims in emergency situations. This means that they work for free, but they get up to 30% of anything they get back for their customers. The lawyers set their sights on the money they thought was in Aladdin's cave. If the American assets around the world are eventually confiscated because of JASTA, they think it's just someone else's problem. Therefore, the question remains, will

the Saudis accept this treatment or will they act like Iran and sell as soon as possible or transfer as many assets as quickly as possible out of the United States? Will they take other economic measures? If congress has a proper debated JASTA, they and the public will know what the Saudis can do to U.S economy and the value of the dollar.

The first thing the new generation of Saudi leaders might consider is to remove the peg of the U.S. dollar to Saudi riyal. Because of this connection, the country's foreign exchange reserves have been reduced and the costs of importing key foods for the Saudis are higher. They may now decide to end it and stop valuing oil prices in U.S. dollars. , of course, these cautious actions will affect the U.S. dollar's status as the world's reserve currency ("JASTA: The Anti-Saudi Law Will Hurt Us, Not Them").

On numerous occasions, the Saudi government has warned of the possibility that the Kingdom would sell off US\$750 billion in American assets, if the bill was passed. In a statement issued following the adoption of the Act, the Saudi Embassy in Washington expressed hope that 'wisdom will prevail and that Congress will take the necessary steps to correct this legislation in order to avoid the serious unintended consequences that may ensue (Edecapitani "Worth Reading: Justice against sponsors of terrorism"). Especially when the U.S. Treasury department revealed that the Saudis hold \$117 billion in national dept, which may be half of offshore accounts and only appears in data of other countries. Saudi Arabia is one of the largest foreign creditors of United States.

As president met with Franklin Delano Roosevelt and the king Faisal Ibn Abdulaziz Al Saud in February 1945, Saudi Arabia became the main holder of U.S. debt. Until Bloomberg's Freedom of Information Act required confidentiality, the deal they reached was simple. The United States will purchase Saudi oil and provide military assistance and equipment to the country. In return, the Saudis agreed to invest billions petrodollars in U.S.

Treasury bonds to fund U.S expenditures. King Abdulaziz insisted on keeping this arrangement strictly confidential. He did not want others to know of his close alliance with the United States (“JASTA: The Anti-Saudi Law Will Hurt Us, Not Them”). But because of JASTA, this alliance and the economy and national security became in danger and quite precarious.

This chapter tackled the change in presidential veto through time in which due to alteration related to the President, the legislators, the nature of legislation, and electoral incentives, historians and political scientists divided veto usage into two periods of time, early and modern, and as a result of this change the use of the veto increased.

The 9/11 attacks that directly happened by a terrorism organization in New York caused in huge damages and victims, the families of those victims later on asked for their rights in which they open the door for the United States to exploit this pretence and decide to create JASTA law, in which they can sue the accusers in those attacks to compensate all the losses that were occurred. The suspect targeted in this act was Saudi Arabia, and with this, the United States may have lost a strong ally, which will lead to dangerous implications, especially financial ones since Saudi business men are one of the largest investors in America. This is what prompted Obama to veto this law, but it was overridden despite president's refuse.

Chapter Three

Justice Against Terrorism Act Implications and Future Perspectives

On September 28th, 2016 Congress voted to pass veto override for the first time during Obama's presidency. The controversial bill was Justice Against Sponsors of Terrorism Act has received a lot of support in both the House of Representatives and the Senate, but has met with firm opposition from the administration. When JASTA became law, victims of 9/11 terrorist attacks and their families could only file a lawsuit against a foreign country if the country was designated as a national sponsor of terrorism by the U.S. state Department and the specific attack received government assistance, especially the Saudi Arabian government since some people think that the country supports the terrorist organization. The bill also provides responsibilities for any conspiracy or international assistance and abetting of international terrorist organizations. The former president Obama vetoed the bill because he was worried about its serious potential implications.

3.1. The President' Veto Message

On September 23th, 2016, President Obama vetoed a bill that would allow survivors of the 9/11 attacks and their families to sue of Saudi Arabian government. In his message to the Senate, he stated "I am returning herewith without my approval S. 2040, the 'Justice Against Sponsors of Terrorism Act' (JASTA), which would, among other things, remove sovereign immunity in U.S. courts from foreign governments that are not designated state sponsors of terrorism", in which he expressed his deepest sympathy to the families of the victims of the terrorist 9/11 attacks who have suffered severely. He also felt deeply grateful to these families for their desire to pursue justice and he stated that he is firmly committed to assisting them in their efforts (ABC News "President Obama Vetoes 9/11 Victims Bill, Setting up Showdown

with Congress”). Obama said on CNN’s town hall that he considered the override a mistake, but he added that he understands why this happened and all Americans still carry the scars and trauma of 9/11, he stated “I wish Congress would have done what’s hard” (“Obama: Override of 9/11 Bill Veto a Mistake”).

President Obama vetoed JASTA setting up a major test for 9/11 families who will receive the legislation they have long called for, which will allow them to sue the Saudi Arabian government for allegedly funding the attack, saying that it would put U.S. officials at risk. He said that during his presidency, he issued instructions to pursue terrorist organization Al Qaeda that planned the 9/11 attacks, Where the US military and anti-terror specialists were able to destroy Al-Qaeda and kill Osama bin Laden. The government also signed legislation to ensure that survivors of the attack can receive treatment for any harm caused by the attack. The government also instructed the intelligence community to conduct a declassified review of "Part Four of the Joint Congressional Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11" so that the families of the 9/11 victims can understand Information collected by the investigators after the day of the attacks.

Despite these major efforts, Obama recognized that nothing can eliminate the grief suffered by 9/11 families. Therefore, the U.S. government remains firmly committed to helping these families seek justice and doing everything it can to prevent another attack in the United States. However, legislating JASTA as a law will not increase the efficiency of the United States’ response to such attacks. Rather, it would allow private lawsuits to be filed against foreign governments in U.S. courts on the grounds that the actions of these foreign governments abroad make them responsible for terrorism-related injuries in the United States. Obama said “This legislation would permit litigation against countries that have neither been designated by the executive branch as state sponsors of terrorism nor taken direct

actions in the United States to carry out an attack here” so JASTA will greatly damage America’s national interests, that is why Obama have rejected and returned it without his approval (The White House “Veto Message from the President -- S.2040”).

Obama warned that by questioning foreign participation in terrorism, the law will undermine the effectiveness of the government counter-terrorism operations, in other words JASTA threatens to reduce the effectiveness of the United States' response to signs of foreign governments taking measures outside the United States to support terrorism "out of the hands of national security and foreign policy professionals and placing them in the hands of private litigants and courts". So, any indication that a foreign government is playing a role in a terrorist attack on US territory deserves deep attention and a strong and unified response by the federal government, taking into account the various important and effective tools available “One of these tools is designating the foreign government in question as a state sponsor of terrorism, which carries with it a litany of repercussions, including the foreign government being stripped of its sovereign immunity before U.S. courts in certain terrorism-related cases and subjected to a range of sanctions” (Obama). With these serious consequences in mind, a country that supports terrorism will be designated only after national security, foreign policy, and intelligence professionals have carefully reviewed information to determine whether this country meets the standards set by Congress. On the other hand, JASTA threatens to deprive all foreign governments of their immunity from U.S. judicial proceedings. It is based solely on the allegations of private litigants that foreign governments’ overseas actions have connection to groups or individuals that carry out terrorist attacks in the United States. This will lead different courts to draw different conclusions about the responsibility of individual foreign governments and their role in terrorist activities against the United States (The White House “Veto Message from the President -- S.2040”).

Obama also said that this move will open the united states overseas, especially those serving in the military, to prosecution by the foreign countries, because it will cancel the current reciprocal agreement that protects both parties from such litigation " (Liptak "Obama Vetoes 9/11 Lawsuit Bill"). If JASTA applied on a global scale, it may have a serious impact on the national interests of the United States. Since the United States has more international influence than any other country, and the principle of sovereign immunity protects the United States and its armed forces, officials, and aid professionals from litigation in foreign courts. It also protects US government assets from attempts to seize foreign private litigants. These foreign governments' actions abroad are related to terrorism-related injuries on the territory of the United States "threatens to undermine these longstanding principles that protect the United States, our forces, and our personnel" (Obama). In fact, JASTA can encourage foreign governments to take reciprocal action and allow their domestic courts to exercise jurisdiction over United States because it is suspected of using the US to support third parties to cause harm overseas "This could lead to suits against the United States or U.S. officials for actions taken by members of an armed group that received U.S. assistance, misuse of U.S. military equipment by foreign forces, or abuses committed by police units that received U.S. training" (Obama). If any of these litigants win the judgment, they will begin to seek the assets held by the U.S. government abroad to satisfy these judgments, which may have serious financial consequences for the United States (The White House "Veto Message from the President -- S.2040").

Obama also pointed out allies' complaints about the measure. He said that this legislation "threatens to limit their cooperation on key national security issues, including counterterrorism initiatives, at a crucial time when we are trying to build coalitions, not create divisions" (Liptak "Obama Vetoes 9/11 Lawsuit Bill"). Obama claimed that many American allies and partners have contacted him and expressed serious concerns about the bill because

even threatened to create complications in the relationship between the United States and its closest partners.

Obama claimed that the 9/11 attack was the most serious terrorist act on the territory of the United States, and the latter has taken strong and extensive actions to bring justice to protect the safety of Americans, from providing financial compensation to victims and their families to launching a global counter-terrorism plan, and then to bringing crimes against guilty individuals criminal charges. He said “I have continued and expanded upon these efforts, both to help victims of terrorism gain justice for the loss and suffering of their loved ones and to protect the United States from future attacks” (The White House “Veto Message from the President -- S.2040”). However, JASTA did not contribute to these goals, did not improve the safety of Americans from terrorist attacks, and harmed the core interests of the United States.

Obama’s rejection of JASTA was a good prediction, as he had several objections to the measure, including concerns that U.S. officials may face retaliation foreign governments in court. In addition, he stated that the bill may lead to retaliations, which may have serious financial punishments for the United States; also, he warned that the bill threatened to spoil U.S. relations and create complications with its closest partners.

3.2. Congress Overrides Obama’s Veto

Congress voted by an overwhelming majority to overturn the president's first veto of a controversial piece of legislation in his government that would allow the families of 9/11 victims to sue the Saudi Arabian government on the grounds that the Saudi Arabian government is suspected of supporting terrorists who carried out the attack (Demirjian and Eilperin “Congress overrides Obama’s veto of 9/11 bill”).

Obama vetoed the bill on Friday and a consequent push by 9/11 survivors, victims' family members and their supporters to buck the president. After that, the Senate was overwhelmed by 97 votes to 1, and the House of Representatives by 348 to 77. Each House needs two-thirds of the vote to pass the bill over the president's opposition (Frumin "Congress Overrides Obama's Veto on 9/11 bill"). All senators voted for the legislation except for the Nevada State Senate Minority Leader Harry Reid, who had previously discussed the matter with the administration after receiving a letter from the president arguing the consequences of an override could be devastating. In Obama's letter to Reid and Senate Majority Leader Mitch McConnell on Tuesday, the president said that he was fully committed to helping the families of the victims of terrorist attacks, but the legislation will put military and other U.S. officials overseas at risk, he warned that the bill's statement would neither protect Americans from terrorist attacks nor increase the effectiveness of U.S. in responding to such attacks. The president called the majority leader after the override vote was scheduled, but neither the conversation nor the letter changed his mind, In the House of Representatives, 59 Democrats and 18 Republicans voted against (Demirjian and Eilperin "Congress overrides Obama's veto of 9/11 bill").

The co-sponsor of the bill, Democratic Senator Charles Schumer of New York, said in a statement after the Senate vote "Overriding a presidential veto is something we don't take lightly, but it was important in this case that the families of the victims of 9/11 be allowed to pursue justice, even if that pursuit causes some diplomatic discomforts". The Saudi government denied any connection with the terrorists who carried out the 9/11 attacks and lobbied vigorously to oppose the bill. But the families of the victims have pushed for legislation so that they can bring their case in court. Senator Richard Blumenthal of Connecticut also stated in his speech in the Senate "This measure does not prejudge a verdict or issue a judgment. It gives both sides a fair day in court". He believes that the legislation

just plugs a loophole. If the Saudi government did not participate in 9/11, it would have nothing to fear. But if the crime deserves it, it should be held accountable (Frumin “Congress Overrides Obama’s Veto on 9/11 bill”).

Bob Corker, chairman of the senate Foreign Relations Committee, had been trying to negotiate a narrow alternative before the vote, he said “We see the writing on the wall: the override is going to occur”. He was one of several members who believe that the bill is so extensive that it may expose the United States to retaliation in foreign courts. He complained that if the bill becomes law “what you really do is you end up exporting your foreign policy to trial lawyers”. Adding that United States personnel may find themselves involved in foreign lawsuits due to the use of the U.S. drones in Pakistan and Afghanistan, or even its support for Israel. However, he and other senators who expressed similar concerns eventually voted for the override. Senator Angus King said that he voted for the override because the main interests of the 9/11 victims’ families outweighed the speculative damage to U.S. officials and foreign relations (Demirjian and Eilperin “Congress overrides Obama’s veto of 9/11 bill”).

The vote put the Senate Democrats in a certain awkward position because even if they supported the original bill, they participated in the first override of the commander-in-chief. However, with the upcoming elections and the recent bombings in New York and New Jersey, there was increasing pressure to support 9/11 families rather than the president, especially because the vote was an official roll-call. This measure justice against sponsors of terrorism act was originally passed unanimously in both houses of Congress earlier (Frumin “Congress Overrides Obama’s Veto on 9/11 bill”).

3.3. Implications of JASTA

Following the initiative of the U.S. Senate on May 17, 2016, the U.S. House of Representatives unanimously passed the Justice against Sponsors of Terrorism Act (JASTA), which will allow victims of terrorism to file class actions against any state directly or indirectly participate in terrorist attacks against Americans. President Barack Obama tried to veto the law, but the two houses of Congress overturned his veto in September 2016. As a result, this law threatens a real revolution in international law and may bring very serious political implications. Although these countries that directly involved in terrorism may confiscated their property, including state-owned property in the United States, to finance victims' compensation, European countries will undoubtedly also participate in these prosecutions because many of them have been targeted by terrorism. This is especially likely to happen if citizens' nationals are involved in a terrorist attack (Fahmy 40).

There is a great danger that U.S. law(JASTA) unilaterally violates some basic principles of international law and is a result of the substitution of law with power , such as the sovereign immunity of nations, and creates a real conflict of laws. In such conflicts, the victims of terrorism will seek compensation from all states. This law will have a negative impact on the United States of America and the Kingdom of Saudi Arabia, and it will also affect other countries. JASTA provides powerful nations with the opportunity to control other nations and try to obtain what they want.

The consequence of JASTA is likely to cancel the immunity of all foreign governments from prosecuting in the United States, based only on the claims of private litigants that foreign governments are responsible for terrorist attacks in the United States. This abolishes the customary international law and American law of the U.S. courts, but includes a restriction: Claims arising from torts based on negligence are excluded. Congress mentions of

this restrictions in JASTA's formal reasoning about "any person, organization, or country that provides material assistance or resources, intentionally or unintentionally" (Fahmy "Some Legal Aspects of the Justice against Sponsors of Terrorism Act").

3.3.1. The Impact of JASTA On The U.S.

As an amendment to the Foreign Sovereign Immunities Act (FSIA) and Anti-Terrorism and Effective Death Penalty Act (ATEDPA), the law of Justice against Sponsors of Terrorism Act (JASTA) will allow U.S. nationals to sue foreign states for their alleged role in terrorist attacks carried out on U.S. soil on September 11, 2001. President Obama and top pentagon official warn that the law could put US troops and interests at risk, Obama's objections includes also that U.S. officials would face retaliation in the courts by foreign government, he also includes that those retaliation could cause in potentially seriously financial consequences for the U.S. On the other hand those arguments have rung hollow for Congress, which passed the legislation through both houses and they argue that their perspective was to bring justice to the victims and to give them their full rights.

So the biggest opposition to the law came from President Obama and his administration, which vetoed the bill on September 23, 2016, stating that JASTA would end the long tradition of foreign immunity and make the United States vulnerable to similar laws passed by other foreign government. That is to say whenever JASTA was passed, U.S. can sue any foreign states from its destruction of the terrorism act and this is one of the advantages of the law, at the same time JASTA has some risks especially on U.S. itself because once JASTA was applied, foreign states would have the right to sue U.S. state for its alleged role in terrorist attacks that happened in other countries.

The Foreign Sovereign Immunities Act (FSIA) provides foreign states with immunity from being sued in US courts. That is to say, prior to JASTA the FSIA provided that a foreign state could not be

sued in U.S. courts for an act of international terrorism unless it had first been designated by the U.S. government as a "state sponsor of terrorism." Currently, there are three such designated states: Iran, Sudan, and Syria. However, JASTA eliminates this limitation. As a result, any foreign state may now be sued in U.S. courts for acts of international terrorism that cause injury in the United States ("Layperson's Guide - Justice against Sponsors of Terrorism Act | United States | Global Law Firm | Norton Rose Fulbright")

JASTA is widely regarded as destroying and weakening the basic principle of sovereign immunity. JASTA has been widely criticized in the United States and abroad. In exercising his veto powers, Obama approved that "JASTA departs from longstanding standards and practice under our Foreign Sovereign Immunities Act and threatens to strip all foreign governments of immunity from judicial process in the United States based solely upon allegations by private litigants" (Lassoued "An Overview of the Controversial "JASTA" from a Middle East Perspective").

Dr. Amal Al Qubaisi, the speaker of the United Arab Emirates Federal National Council (FNC) from 2015 to 2019, expressed great concern with regards to JASTA, stating that: "The law undermines the foundations of international relations". Furthermore, she emphasized that all governmental and non-governmental organizations must work together to deal with the challenges that JASTA poses to the country, with the focus on weakening sovereign immunity. Fundamentally, the introduction of JASTA will most probably allow various actions against a foreign state's assets and interests within the U.S.(Lassoued).

The main problem with JASTA is its execution. Since the presumption of immunity will continue to be the main principle of other countries, court judgments made in the United States will not be recognized by other countries. This will encourage prudent countries to avoid potential liability by withdrawing their assets and investments from the United States, in order to avoid seizures that could cause huge economic losses to the United States.

When the United States restricts the immunity of other sovereign countries, it is easy for these countries to lose their immunity to each other, but we must not forget that the United States is now one of the largest countries in the world. In the past few decades, it has a large active military presence in the Middle East. Under the same definition of terrorism used by JASTA, it is not difficult to characterize certain acts of U.S. for example, drone attacks is terrorist acts that makes the U.S. government vulnerable to civil claims (Fahmy “Some legal aspects of the Justice against sponsors of terrorism act”).

3.3.2. The Impact of JASTA On Saudi-Arabia

The passage of JASTA has already raised tensions with Saudi Arabia who has been an ally of the U.S. since 1933. So what made U.S. Officials and Obama’s administration to accuse Saudi Arabia is that fifteen of nineteen of the hijackers were Saudi nationals. Undoubtedly Saudi-Arabia refuse all these convictions. “to avoid the serious unintended consequences that may ensue.” one of the Saudi’s foreign ministries released this statement condemning JASTA and expressed hope that the U.S. would correct the legislation, (Faussa “JASTA and its Future Implications”).

With its massive oil reserves and its shut proximity to the center East and Strait of Hormuz, Saudi Arabia has been a very valuable quality to the U.S., economically and politically. JASTA has created a replacement era international relations that could affect people's future, the rights of citizens and the power of foreign states.

The passage of the Justice Against Sponsors of Terrorism Act (JASTA) is perhaps the greatest failure of Saudi lobbying in the long history of United States–Saudi relations. In September 2016, when the passage of JASTA seemed to be assured, the Saudi government raised a new argument. It noted the vulnerability of Saudi holdings in the United States to endless lawsuits, and stated that if JASTA were to become law, Saudi Arabia would withdraw all of its

substantial financial assets from the United States. The bottom line is that JASTA passed because the Saudis have missed opportunities to make themselves and their cause sympathetic to the American people. The legislative history of the law is extraordinary: it is one of the few bills that President Obama vetoed, and the only veto that Congress overturned in his administration. Saudi lobbying in America is limited to what the Saudi state can purchase.

3.4. Motives behind Congressional Support to Pass the Bill

Dr Samuel Greene viewed JASTA law from a distinct vision, he opposed the point dominating the public debate over the reasons for passing JASTA, and he saw that the law is only a reflection of internal interactions taking place in the United States, which means that it should not be regarded as something directed to the rest of the world. So according to him the following are some motives behind congressional support to pass JASTA law (“Future Center - Repercussions of JASTA for Middle East States”):

3.4.1. Midterm Congressional Elections: The passage of JASTA is full of complexity in the election year, and members of Congress are working hard to ensure voters’ confidence in the midterm elections, which means that political opponents can take advantage of the bill’s rejection. Supported by the families of victims of the September 11, 2001 attack, Republican and Democratic members of Congress still supported the bill despite opposition of Obama administration.

3.4.2. Electoral System’s Nature: In a single-member district electoral system, every member of Congress must report their performance to the legislature every two years so as to be re-elected on the basis of a direct relationship between voters and members, as opposed to a proportional representation system in which Both parties act as mediators between voters and members of Congress in which voters choose from a list of candidates of a particular party. In addition, the single-member district system strengthens the incentive mechanism of

members to show their achievements and show their personal and fair image, even encourage some members violated their party's obligations in order to increase the visibility of their voters.

3.4.3. Symbolic Politics ‘Centrality: JASTA can be classified as part of a symbolic policy based on taking specific positions to take advantage of the symbolic meaning of these positions, which is why members of Congress vote for passing JASTA to show their support for the family of victims of September 11, 2001 attack, and search for justice in the fight against terrorism.

3.4.4. Increase of Media Pressure: JASTA would not have gained all of this political momentum, or even passed through Congress with the support of the majority of its members, if these influencers had not leaked the text to the media, which caused a public controversy about it. That is exactly what increased the pressure on the members of Congress which votes for passing JASTA and ignores Obama administration' opposition of the bill (“Future Center - Repercussions of JASTA for Middle East States”).

To conclude, It is clear that Obama vetoed JASTA law because it is not in the interest of United States, but on the contrary, it will cause a great damage, and this is what made him send a message to the Congress explaining the dangerous implications of the bill that led him to reject it, but Congress want to pass JASTA law despite Obama’s rejection, Congress has many aims and hidden motives behind passing the bill, the bill is aimed specifically at Saudi Arabia and is supported by several members who believes Saudi Arabia was involved in the 9/11 attack. The Congress specifically accuses the kingdom of Saudi Arabia for its alleged assistance to 9/11 attack, Congress want to compensate all the losses that was affected from the 9/11 attack and give victims of the families of the attack their rights; however, the Passage of the legislation will only exacerbate existing tensions between U.S. and Saudi Arabia. The

bilateral relationship between them is a historical one based on mutual security interests and the free flow of oil. So after the passage of the bill there would be many implications on U.S. itself, on the Saudi-Arabia, and on the relation between the two countries.

Conclusion

The main objective of this research paper is to investigate the way the congress used to reject Obama's veto of the Saudi 9/11 bill. Congress has voted to override president's veto of a bill that would allow families of 9/11 victims to sue Saudi Arabian officials; also this dissertation shed light on how the act of JASTA will affect the future decision regarding legislative and executive relation, the study investigates the hidden motives behind congressional support to pass the bill into law despite president's rejection. It examines also the controversy of JASTA and its future implication. President Obama argued in his veto that the bill would undermine U.S-Saudi Arabia relation.

The first chapter discusses the U.S. system of checks and balances in which the three branches of government "the legislative, the executive and the judicial" hold equal power and regulate one another. As in the rule-making process, each branch has the right to intervene in the decisions of the others; for instance, the president can veto congressional bills, and congress can also respond by overturning that veto. So a veto is a process where the president can reject a bill that has been sent by Congress, the president has the authority to accept or reject the law; however, overcoming a veto is a process in which each house of congress votes on a bill vetoed by the president, which must require two-thirds majority votes on a bill in each house to become law despite the president's objections.

The second chapter is a continuation for the first one. It assesses some Cases of Overriding Vetoes in the U.S. History and how it was changed and increased through time because of some factors which are: the alteration related to the President, the legislators, the nature of legislation, and electoral incentives. The usage of veto was divided into two periods, early and modern .Justice Against Sponsors of Terrorism Act (JASTA) is a law that was passed in the modern years of republic, it came as a reaction of the 9/11 attacks, it aims to

give justice to the families of the victims of the 9/11 attack in which they can sue accusers in such attacks for all damages. The alleged target of this action is Saudi Arabia, and as a result, the United States may lose a powerful ally with risky consequences, especially financial punishments, consequentially president Obama vetoed the bill; however, congress successfully overturned his veto.

The last chapter tackles JASTA law in details, how president Obama reject the bill through a veto message which contain his objections to refuse the passage of the bill and how he warns from the damages of the bill especially on U.S. soil. Congress overrides his veto in order to pass the bill into law. It has some ulterior motives behind the passage of the bill, which targets Saudi Arabia because some members believed that Saudi Arabia was involved in the 9/11 attacks. Congress wants to make up for all the damages caused by the attacks and gives the families of the victims their right to sue Saudi-Arabia; however, the approval of the law will only worsen the existing tensions between the United States and Saudi-Arabia. Hence, once the bill is passed, there will be a lot of consequences on United States and on Saudi-Arabia and on the relationship between the two countries.

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